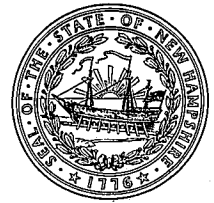




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

March 5, 2009

The Honorable Judith T. Spang, Chairman  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, New Hampshire 03301

**RE: HB 314-L Relative to municipalities contracting for impact studies for large groundwater withdrawals**

Dear Chairman Spang:

Thank you for the opportunity to testify in support of HB 314-L, which would allow municipalities to conduct impact studies at the applicant's expense within 60 days of receiving a preliminary application for a large groundwater withdrawal. The Department of Environmental Services supports the concept of a municipality obtaining expertise at the applicant's expense to provide the Department with technical comments on large groundwater withdrawal applications. We note that many municipalities with large groundwater withdrawal permitting applications in their community have already required applicants to pay for this type of work.

While the Department supports the intent of HB 314-L, we note that the following aspects of the bill may warrant further consideration:

- It is unclear what the scope of the "impact statement" is limited to.
- The bill requires an impact statement within 60 days of a preliminary application being submitted. The Department notes that an impact statement may be more complete after data collection occurs and is submitted in a final report pursuant to RSA 485-C:21, V-a.
- The bill limits the impact study area to a one mile radius around the site. A one mile radius around the site may not be appropriate for an impact statement. RSA 485-C:21, V-e identifies criteria for delineating a "potential impact area" around a proposed withdrawal site.
- It is unclear if the language proposed in the bill provides authority to only municipalities where a large groundwater withdrawal is actually occurring or if it enables any municipality within a mile radius of a proposed withdrawal to develop an impact statement at the expense of the applicant.
- Given that several municipalities have already required applicants to pay the cost associated with a third-party review of materials associated with a large groundwater withdrawal

The Honorable Judith T. Spang, Chair

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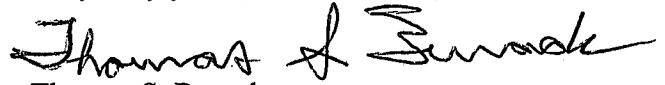
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application, is there a need to amend RSA 485-C or potentially other statutes associated with municipal regulatory authority?

The Department supports the intent of the bill but believes some complexities exist that need to be addressed. The Department notes that the Local Government Center and Regional Planning Commissions could be valuable resources to draw upon when addressing some of these issues.

Thank you for this opportunity to testify in support of this bill. Please call either me at 271-2958 or Sarah Pillsbury at 271-1168, if you have any questions or need additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas S. Burack". The signature is fluid and cursive, with the first name "Thomas" being more prominent.

Thomas S. Burack  
Commissioner

Attachment

cc: Representative M. Allen  
Representative DiFruscia  
Representative Major  
Representative Rodeschin  
Representative Sedensky